

# Mr. Alexander Fytton's Case truly stated.

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**S**IR Edward Fytton of Gamsworth in the County of Chester, Baronet, being seised in Fee of the Lordships of Gamsworth, Bosly, Syddington, and Aldford in Cheshire, having no Issue living, and being desirous his Estate should continue in his Name and Bloud, as for many Discents it had formerly continued, did settle by Indenture dated 9. November, 17 Car. All the said Lordships after his own Decease without Issue of his Body, one William Fytton Esq; for life, being the next Kinsman of the Male Bloud to Sir Edward Fytton (Sir Edward Fytton's Father and the said William Fytton being Brothers Children); and from and after the decease of the said William Fytton, to the use of Edward Fytton, eldest son of the said William Fytton, and the Heirs Males of his Body since deceased without issue: And for default of such Issue, to the use of Alexander Fytton (now concern'd against the Lord Gerard) and the heirs Males of his Body, with divers Remainders over to other persons of the Name and Bloud of the Fyttons: In which Settlement, the said Sir Edward Fytton reserved to himself a Power of Revocation; Yet finding he had little hope of Issue, and to avoid the importunities of any that should move him to alter his Settlement upon his next Kinsman William Fytton, whereby his Family should expire, and his Name be extinct, of which the said Sir Edward Fytton always had a High and Tender Regard; He the said Sir Edward Fytton did by Deed Poll dated the 3d. of April, 18 Car. Release and Destroy the Power of Revocation contained in the former Settlement, and made the Estates of his Kinsmen the Fyttons, in case he dyed without issue of his own, firm, absolute, and unalterable, and always Declared (as at divers Tryals against the Sisters of the said Sir Edward Fytton, whom Mr. Fytton did by due Course of Law evict out of the said Estate; as likewise at the Tryall with the Lord Gerrard, was proved) That the said Sir Edward did always expresse, he neither would, nor could alter the Settlements made on his Name and Family; and that rather then a Fytton should not Inherit his Estate, were there none of his Kindred of that Name alive, he would leave it to a Bastard of his Name, and not to any of his Sisters or their Children. And afterward in August, 1643. he Dyed at Bristol. The Lord Gerrard of Brandon about 10 years after Sir Edward Fyttons Decease, being one of Sir Edward's Sisters Sons, pretended, that Sir Edward Fytton had Bequeathed unto him all his Estate by his Will made at Bristol; Which Will in 19 years Time was never heard of, or mentioned by any Person whatsoever; And so Commenced a Suit against Mr. Fytton, who denyed, That ever Sir Edward Fytton made the said Will, by reason of his Continual Expressions of Leaving his Estate to Mr. Fytton, and in him to his Name and Family; as likewise for that by the said Deed Poll he had disabled himself to Alter any of the Estates settled on the Fyttons, by any Will that he should make. To prove his Will, The Lord Gerrard produced Two Witnesses, viz. Matthew Smallwood, Clerk, and one Francis Hollinshead; which Matthew Smallwood in a former Suit in Chancery betwixt Mr. Fytton and Sir Edward Fytton's Sisters, did Positively swear, He knew nothing of any Disposition Sir Edward Fytton made of his Estate by Will: And the said Francis Hollinshead with many Deep Oaths and Execrations often Protested; That Sir Edward Fytton to his certain Knowledge, never disposed of his Estate to the Lord Gerrard at Bristol, but always was Constant in his Resolutions of Continuing it in his Name and Family. And Mr. Fytton Produced Three Witnesses, Mr. Darvenport of Wheltrough, a Gentleman of an Ancient Family and Fair Estate in Cheshire; Mr. Edmund Barwick a near Kinsman of Sir Edward Fyttons, that constantly lived with him; and Mr. Thomas Smallwood, an Eminent At-

torney in Cheshire, and Employed by Sir Edward Fytton, and most of the Gentlemen of Cheshire, in Business of Great Concern. These Witnesses proved the Sealing and Delivery, and due Execution of the said Deed of Release, by Sir Edward Fytton. Against which Evidence, on the Lord Gerrards behalf, was produced one Granger, a famous Forger of mens Hands, who being sufficiently instructed, as he himself hath since confessed, was Suborned to swear, That he Counterfeited Sir Edward Fyttons Hand to the said Deed, and likewise the Hands of all the Witnesses; and divers other Persons, all Common-Swearers, and men convicted of Forgeries, and some of them of Felony, others Common Cheats and Crapanters of his Majesties Loyal Subjects in the time of Cromwells Usurpation, and that gave Evidence against Persons Arraigned at Cromwells High Courts of Justice: These men were all Suborned (as Granger himself confesses) to swear, That Mr. Fytton and Granger was acquainted, and that Mr. Fytton had confessed to some of them, that Granger had forged a Deed for him, so that the Evidence of Granger, and these other Persons was by a Middlesex Jury believed; notwithstanding the Deed was proved, to be seen by Persons of sound Credit, some Years before the time that Granger pretended to Forge it. And so a Verdict given against Mr. Fytton, and his Estate taken away by the Lord Gerrard upon the Evidence of those persons; since which time, Granger being touched in Conscience for his horrid Perjury, did several times make it his Request to Mr. John Cade, an eminent Citizen of London, to acquaint Mr. Fytton, that it was his Gods forgiveness and Mr. Fyttons, and fully to lay open the horrid Contrivance upon Himself and the Rest, whereby he swore falsely against Mr. Fytton; after Mr. Cade had acquainted Mr. Fytton with Grangers Desire, and with his Sorrow and Repentance, and that he desired no greater happiness or satisfaction to himself, then Mr. Fyttons forgiveness: Mr. Fytton after many Doubts, upon the advice of Counsel, did consent, That if Granger had any thing to say to him, he might come to him, to his Lodging at Mr. Lloyds House in the Strand, where he would hear what he would say. And Granger coming accordingly, did there in the presence of Mr. Cade beg Mr. Fyttons forgiveness for his Perjury, and did profess, he never saw Mr. Fytton before the day of Tryal, where he was shewed him in Westminster-Hall, by a man appointed for that purpose, and that he never saw his Deed before Mr. Norton the Examiner shewed it to him; and further, with Tears and great Sorrow, professed, He would make a Narrative of the whole Force and Design upon him, and Print it in three Languages, and accordingly did of his own accord write the Narrative, delivered into the House of Lords, with his own hand, and Signed and Sealed it in the presence of the persons, whose Names are thereunto underwritten. The Fame whereof coming to the Lord Gerrards Ear, he petitioneth the House of Lords, and would make it a Crime in the Gentlemen that witnessed Grangers Confession, because Granger confesseth, he was Suborned upon the Lord Gerrards account; whereas they intended no more by it then plainly and truly to Evidence what Granger said, and read to them, and never meant to intermeddle with the matter of this Narrative, or any other thing in Controversy between the Lord Gerrard and Mr. Fytton, which they did at the Request of Mr. Fytton and his Friends, who desired them onely to Evidence what they saw Granger do, and heard him speak, at a Tryal at Law which Mr. Fytton is to have, for the Recovery of the said Estate at Chester.

June. 1663